

Congress of the United States
House of Representatives
Washington, DC 20515-2008

February 16, 2017
The Honorable Stephen Ayers
Architect of the Capitol
U.S. Capitol, S.B. 16
Washington, DC 20515

Dear Architect Ayers:

We write to bring your attention to the existence of a strikingly untenable double standard in the display of artwork in the Capitol complex that undermines our Nation's essential free speech values and reflects poorly on Congress.

We understand that on January 13, 2017, you ordered removed from the Cannon House Office Building tunnel a painting by a Catholic high school senior from Missouri on the grounds that it is "offensive" or, in the words of Speaker Paul Ryan, "disgusting." The painting, seemingly inspired by Picasso's *Guernica* and George Orwell's *Animal Farm*, apparently deals with recent traumas in Ferguson, Missouri. Some people have said they love this painting, some have said they hate it, and most people still have not seen it. We take no position as a group on the merits of the young man's work; after all, it is art, it came to our walls through the normal channels, and it does not need our endorsement. Unfortunately, however, we understand that, on February 3, the House Office Building Commission cast aside all of the relevant First Amendment values governing the display of art and voted 2-1 to uphold the shocking censorship of this painting.

This painting was chosen through the normal channels of the Congressional Art Competition on the sole basis of its artistic merit. It hung peacefully for more than seven months in the House of Representatives until a series of roving and self-appointed art critics and unauthorized Congressional censors came and made "citizen arrests" of the painting for its perceived political incorrectness. Given that there was never any allegation that it was legally obscene, or constituted fighting words, or incited imminent lawless action, the AOC has not invoked any existing First Amendment exception to justify this startling suppression of speech. Instead the AOC seems to have invented a new retroactive standard to justify official discrimination against artistic representations in the House of Representatives on the grounds that some House Members or officers consider them "offensive" or "disgusting."

Before the creation of this new standard, Members, staff, and guests of the House appreciated the art that they liked and simply tolerated or ignored the rest. That is how art works in a free society. For example, in Democratic Leader Pelosi's February 3 letter to Rep. Clay and in the letter from Reps. Clay and Raskin to the Speaker dated January 11, we pointed out numerous instances of "controversial" artwork being displayed as part of the Congressional Arts

Competition. Now that we have imposed for the first time a new standard of political incorrectness justifying the censorship and removal of art in Congress, we feel compelled to bring to your attention multiple artistic representations in the Capitol and surrounding buildings that are, without any doubt, offensive and disrespectful to millions of Americans and the Republic itself. These pieces are not merely temporary irritants to some people's delicate sensibilities but permanent fixtures advertising treason and destruction of our Union.

We want to be clear that we do not blame you for any of this because the relevant decisions to install offensive and disrespectful art were clearly made by prior Architects of the Capitol, but your office is nonetheless allowing several works of art to continue to be displayed in the Capitol Building despite the fact that they constitute taunting and disrespectful desecrations of our Republic and the memory of our fallen soldiers. Now that the Speaker's office and the Architect of the Capitol are exercising political content review of works of art under your jurisdiction, there is no escaping it: You seem to have developed a "double standard" that permits the removal of artwork perceived by some to be politically incorrect because it addresses police violence, while allowing the display of an unceasingly disrespectful bust of a convicted traitor to our country, several other statues of sworn enemies of the Republic (all Confederates, who took up arms against the people of the United States of America), and a rather terrifying statue of the leading proponent for the antebellum slavery-plantation system.

Your decision to remove the high school student painting about Ferguson now highlights the bizarre contradiction of having statues and portraits of Abraham Lincoln, Thaddeus Stevens, Frederick Douglass, Martin Luther King Jr., Rosa Parks, Lyndon B. Johnson, and Sojourner Truth inhabit the same campus as statues of Confederate conspirators against the Republic like John C. Breckenridge, Jefferson Davis, Robert E. Lee, Wade Hampton III, Kirby Smith, and the leading antebellum propagandist for slavery, John C. Calhoun. Before your decision, confirmed by House Office and Building Commission last Friday, the Capitol and Members of Congress hosted and accepted dissonant and contradictory artwork because we did not take it upon ourselves to define the meaning of individual pieces of art and censor them for political incorrectness. We seemed to proceed on the constitutionally rooted tradition of free speech and the sound theory of allowing conflicting voices to be heard in the marketplace of cultural and political ideas. But now that the Speaker, Majority Leader and the Architect are asserting the right to censor art as "disrespectful," you have sanctioned not only an official regime of political correctness but an egregious double standard that allows Confederate propaganda art lionizing traitors and pro-slavery agitators (however well-executed as art) to be stationed in our Capitol while you take down other artwork of adjudicated artistic merit simply because it offends the sensibilities of certain Members.

Please consider the following egregious cases:

1. Bust of Convicted Traitor John C. Breckenridge

The most striking case of offensive and disrespectful art is the bust of John C. Breckenridge that sits to this day outside the Senate chamber. While Breckenridge served as Vice-President from 1857-61 and as a United States Senator, he was stripped of these titles by the Senate and convicted of treason on December 4, 1861, after he defected to the Confederate rebellion against

the United States. Under section 3 of the Fourteenth Amendment, Breckenridge was retroactively barred from any title of honor. (He could not have enjoyed the continuing title or honor of being addressed as "Vice-President" while he lived, as Dan Quayle and Al Gore do today.) The Architect's decision to restore Breckenridge was made posthumously with a heroic bust, celebrating him with the very honor of "Vice-President" which both the Senate's treason conviction and the Fourteenth Amendment emphatically denied to him. This is not a matter of partisan politics. Breckenridge was a Democrat convicted of treason against the United States, which is the only crime defined in the Constitution.

2. Statues Enshrining Enemies of the Republic

The Architect has allowed statues presenting enemies of the Republic throughout the public space of the Capitol. These statues include Jefferson Davis, President of the Confederacy (Statuary Hall); Robert E. Lee in what appears to be a Confederate uniform (Capitol Crypt); Edmund Kirby Smith, the last Confederate general to surrender and also in uniform (Capitol Visitor Center); Wade Hampton, III, a Confederate general (Capitol Visitor Center); and John C. Calhoun, who died before the Civil War, but was the leading apologist for the slavery-plantation system (Capitol Crypt).

Davis, Lee, Smith, and Hampton were leaders of a violent rebellion to enforce slavery and destroy the Union. Over half a million American soldiers died to defeat them. These statues might have been more understandable had they depicted these Confederate leaders as civilians in a posture of defeat and reconciliation, but they are not. The presence of these heroic statues is a daily desecration of the memorials throughout the Capitol to the Union dead who died fighting their treason. It is also likely to be taken as an insult by the descendants of enslaved African Americans, who would remain enslaved if Davis, Lee, Hampton, and Smith had won.

The Speaker and the Architect were not inhibited in removing the Ferguson painting as "disrespectful," even though that painting had been chosen by a committee assembled by a Member of the House of Representatives and a committee from Missouri's First District. The mere fact that these offending statues were donated by the States of Florida, Mississippi, South Carolina, and Virginia does not dictate the House's new artistic judgment and censorship process any more than the clear wishes of Missouri's First District do. (Again, this is not a matter of partisan politics: these men were Democrats and we object to their artistic representations not because of their party but because of their betrayal of the Union.)

So, under what rationale is a painting that interprets and depicts a single episode of conflict between police and protestors a "disrespectful" atrocity when the outright sworn and violent enemies of the American Republic are celebrated in marble elsewhere in the Capitol? Where is the respect for the Union soldiers dead, and the slaves they helped free, when the Architect maintains these statues as part of our national pantheon?


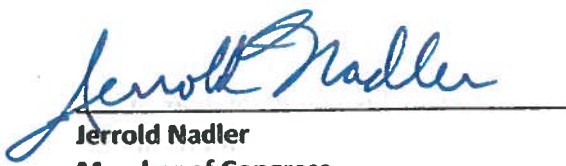

We are requesting that you immediately reconsider the censorship of the student painting, restore it to its rightful place in the Cannon Tunnel, and renew institutional respect for free speech and pluralism. If not, we ask you to: (1) remove the bust of convicted traitor to the Union, John Breckenridge, whose likeness in the heart of the Capitol building is a clearly "offensive" affront

and insult to patriotic defenders of the Republic and a continuing insulting representation of a discredited champion of racism, slavery, and secession; and (2) launch an inquiry into whether the statues of Confederate President Jefferson Davis, Confederate Commander-in-Chief Robert E. Lee, Confederate Generals Wade Hamilton, III and Edmund Kirby Smith, and slavery proponent John C. Calhoun should also be removed as profoundly offensive and disrespectful under your new artistic standard.

Please also let us know as soon as possible whether you are permitting unauthorized censorship of the offending artwork by concerned Members as you did in the case of the Ferguson painting.

Thank you for your thoughtful attention.

Very truly yours,


Jamie Raskin
Member of Congress
John Conyers
Member of Congress
Cedric Richmond
Member of Congress
Hank Johnson
Member of Congress
Jerrold Nadler
Member of Congress
Zoe Lofgren
Member of Congress
Steve Cohen
Member of Congress

Alma Adams

Alma Adams
Member of Congress

Karen Bass

Karen Bass
Member of Congress

Don Beyer

Don Beyer
Member of Congress

Earl Blumenauer

Earl Blumenauer
Member of Congress

G.K. Butterfield

G.K. Butterfield
Member of Congress

Michael E. Capuano

Michael E. Capuano
Member of Congress

Yvette D. Clarke

Yvette D. Clarke
Member of Congress

Gerald E. Connolly

Gerald E. Connolly
Member of Congress

Danny K. Davis

Danny K. Davis
Member of Congress

Rosa L. DeLauro

Rosa L. DeLauro
Member of Congress

Elliott L. Engel

Elliott Engel
Member of Congress

Marcia L. Fudge

Marcia L. Fudge
Member of Congress

Raul M. Grijalva

Raul Grijalva
Member of Congress

Luis G. G. Gutierrez


Luis G. Gutierrez
Member of Congress


Colleen Hanabusa

Colleen Hanabusa
Member of Congress

Alcee L. Hastings

Alcee L. Hastings
Member of Congress

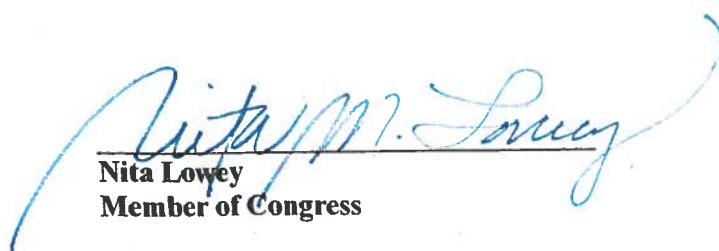

Jared Huffman
Member of Congress


Pramila Jayapal
Member of Congress


Marcy Kaptur
Member of Congress

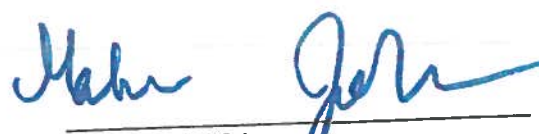

Rick Larsen
Member of Congress

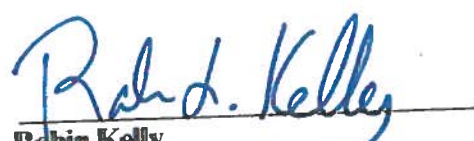

Barbara Lee
Member of Congress



Nita Lowey
Member of Congress


Carolyn Maloney
Member of Congress


Sheila Jackson Lee
Member of Congress

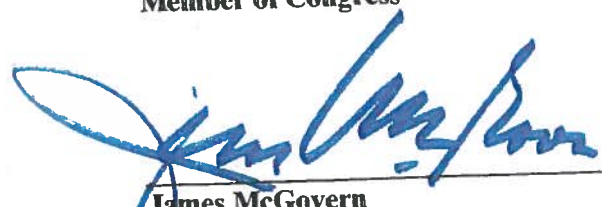

Hakeem Jeffries
Member of Congress


Robin Kelly
Member of Congress


Brenda Lawrence
Member of Congress

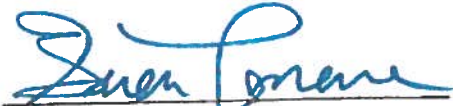

John Lewis
Member of Congress


Michelle Lujan Grisham
Member of Congress


James McGovern
Member of Congress



Gregory W. Meeks
Member of Congress



Gwen Moore
Member of Congress



Eleanor Holmes Norton
Member of Congress



Mark Pocan
Member of Congress



Bobby L. Rush
Member of Congress



Jan Schakowsky
Member of Congress



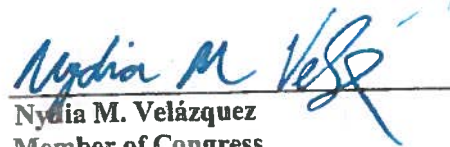
Louise Slaughter
Member of Congress



Mark Takano
Member of Congress



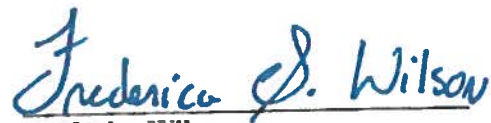
Bennie G. Thompson
Member of Congress



Nydia M. Velázquez
Member of Congress



Bonnie Watson Coleman
Member of Congress



Frederica Wilson
Member of Congress



Joseph Crowley
Member of Congress